

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

SEAN M. YOUNG,

Plaintiff,

v.

DR. HEATHER SCHWENN,
MARIA LEMIUEX, LT. T. TAYLOR,
CAPT. FLANNERY,

Defendants.

ORDER

19-cv-742-bbc

Pro se plaintiff Sean M. Young is proceeding on Eighth Amendment claims against prison staff at Wisconsin Secure Program Facility. He alleges that staff subjected him to unreasonable harsh and unsanitary conditions of confinement while he was on observation status. Now before the court are three motions filed by plaintiff, in which he seeks default judgment against defendants on the ground that their answer to his complaint was untimely. Dkt. ##13, 16, 17. I will deny the motions because defendants' answer was not late.

Defendants had 60 days from December 20, 2019, the date after the screening order was entered, to file an answer or other response to plaintiff's complaint. Fed. R. Civ. P. 6(a)(1)(A) (periods stated in days are calculated by excluding the day of the event triggering the period). Defendants filed their answer on February 17, 2020, which was on day 60 of their answer period. Thus, their answer was timely. Moreover, February 17 was also a Monday, and a federal holiday, so even if defendants' deadline had expired one or two days before February 17, defendants' answer would be timely. Fed. R. Civ. P. 6(a)(1)(c) (if last

day of period falls on Saturday or Sunday, the period continues to run until the end of the next day that is not a Saturday, Sunday or legal holiday).

Finally, even if defendants' answer had been a day late, I would have denied plaintiff's motions for default because plaintiff could not have suffered prejudice from such a small delay. Going forward, plaintiff should refrain from filing motions that have no legal or factual support, as such motions waste his and the court's time and resources.

ORDER

IT IS ORDERED that plaintiff Sean M. Young's motions for default judgment, dkt. ##13, 16, 17, are DENIED.

Entered this 11th day of March, 2020.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge